



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF
DEFICIENCY
SP-2003-21**

Mr. Anwar Elgamal
24 Radcliff Dr.
Hudson, NH 03051

October 14, 2003

RE: DES Wetlands File #2003-01949 24 Radcliff Dr, Hudson

Dear Mr. Elgamal:

On October 1, 2003 and again on October 3, 2003, personnel from the Department of Environmental Services ("DES") conducted inspections of the above referenced property, identified as Hudson Tax Map 45, Lot 14, Radcliffe Dr, Hudson, New Hampshire (the "Property"). The purpose of these site inspections was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act, RSA 482-A Fill and Dredge in Wetlands, and NH Code of Admin. Rules Wt 100-700.

During the inspections the following deficiencies were noted

1. An area measuring approximately 71' x 58' was excavated within the protected shoreland along the Merrimack River. An area measuring 7' x 71' was excavated within the bank of the Merrimack River without a permit from DES.
2. Within the natural woodland buffer of the protected shoreland, a healthy, well-distributed stand of trees, saplings, shrubs and groundcovers was not left in place.
3. Erosion control measures were not in place.
4. Within the excavated area, dismembered root remains were observed indicating stumps had been ripped from the area. A stump was observed in a stockpile of tree stems and slash on your property.

In response, you are requested to take the following actions

1. Within 20 days of receipt of this Letter of Deficiency, submit evidence that you have retained a professional engineer or qualified environmental consultant to prepare a restoration plan for the property.

2. Within 45 days of receipt of this Letter of Deficiency submit a restoration plan, prepared by a qualified professional in accordance with Item 1 above, to DES.

The restoration plan should include restoration of topography to original elevations, the replacement of native and natural vegetation, and restoration of the natural shoreline of the Merrimack River. Please submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing;
 - i. existing conditions including elevations,
 - ii. proposed conditions after topography has been restored to original elevation, and replanted with native vegetation.
- b. A detailed description of the proposed means of erosion and sediment controls and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A planting plan showing the number, type of plant species, proposed location of plantings, and diameters of the plant species at breast height. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species. Saplings should be proposed in areas where trees were removed.
- d. A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Arlene Allen, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Arlene Allen (603)271-4192 or myself at (603) 271-4054.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 2132

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Hudson Conservation Commission
Hudson Board of Selectmen
Robert Sousa, Code Enforcement, Town of Hudson
David Killoy, US Army Corps of Engineers